

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CAT AND DOGMA, LLC,) AU:19-CV-01002-LY
)
Plaintiff,)
)
v.) AUSTIN, TEXAS
)
TARGET CORPORATION,)
)
Defendant.) DECEMBER 16, 2022

TRANSCRIPT OF JURY TRIAL

VOLUME 5

BEFORE THE HONORABLE LEE YEAKEL

FOR THE PLAINTIFF: CRAIG B. SANDERS
JAMES H. FREEMAN
SANDERS LAW GROUP
333 EARLE OVINGTON BOULEVARD, SUITE 402
UNIONDALE, NEW YORK 11553

FOR THE DEFENDANT: ANDREW J. BROADAWAY
CORNELL SMITH MIERL AND BRUTOCAO
1607 WEST AVE
AUSTIN, TEXAS 78701

DAVID F. GOMEZ, KIRSTEN L. ELFSTRAND,
LAUREN M.W. STEINHAEUSER
FAEGRE DRINKER BIDDLE & REATH LLP
2200 WELLS FARGO CENTER, 90 S. 7TH STREET
MINNEAPOLIS, MINNESOTA 55402

DAVID J.F. GROSS
FAEGRE DRINKER BIDDLE & REATH LLP
1950 UNIVERSITY AVENUE, SUITE 450
EAST PALO ALTO, CALIFORNIA 94303

COURT REPORTER: ARLINDA RODRIGUEZ, CSR
501 WEST 5TH STREET, SUITE 4152
AUSTIN, TEXAS 78701
(512) 391-8791

Proceedings recorded by computerized stenography, transcript
produced by computer.

13:23:10 1 (Open court, no jury)

13:23:10 2 THE COURT: Please be seated, ladies and gentlemen.

13:23:10 3 I've received Juror Note Number 4 that says we have reached our
13:23:17 4 verdict. Is there anything we need to take up before the jury
13:23:19 5 returns their verdict.

13:23:20 6 MR. GROSS: No, Your Honor.

13:23:21 7 MR. SANDERS: No, Your Honor.

13:23:22 8 THE COURT: All right. Ms. Oakes, you may file mark
13:23:35 9 and file that, and you may bring in the jury.

13:23:59 10 (Open court, jury present)

13:23:59 11 THE COURT: Ladies and gentlemen, speaking through
13:24:00 12 your presiding juror, have you reached a verdict in this case?

13:24:03 13 PRESIDING JUROR: Yes, sir.

13:24:04 14 THE COURT: All right. Would you please pass it to
13:24:06 15 the court security officer, who will bring it to me.

13:24:25 16 PRESIDING JUROR: (Complies).

13:24:25 17 THE COURT: All right. If you-all will look on your
13:24:28 18 form of the verdict form, I'm not going to read the questions,
13:24:32 19 I'm just going to read the answers. And to the jury: Listen
13:24:37 20 carefully to the answers, because when I have read them, I'm
13:24:41 21 going to ask you if it is your verdict and your individual
13:24:44 22 verdicts.

13:24:46 23 Question Number 1: No.

13:24:48 24 Question Number 2: Yes.

13:24:51 25 Question Number 3: Yes.

13:24:54 1 Question Number 4: \$1 million.

13:24:58 2 Ladies and gentlemen of the jury, is that your

13:24:59 3 verdict?

13:25:00 4 (Jury answers in the affirmative).

13:25:00 5 THE COURT: And I'm going to go down the line and ask

13:25:03 6 you if it's your individual verdict.

13:25:07 7 Juror Number 1, Ms. Christiansen?

13:25:11 8 JUROR CHRISTIANSEN: Yes, Your Honor.

13:25:12 9 THE COURT: Juror Number 2, Mr. Sanders?

13:25:14 10 JUROR SANDERS: Yes, Your Honor.

13:25:15 11 THE COURT: Juror Number 3, Ms. Schneider?

13:25:17 12 JUROR SCHNEIDER: Yes, Your Honor.

13:25:18 13 THE COURT: Juror Number 4, Ms. Hurvitz?

13:25:21 14 JUROR HURVITZ: Yes, Your Honor.

13:25:22 15 THE COURT: Juror -- pardon me. Juror Number 5,

13:25:25 16 Ms. Hurvitz.

13:25:26 17 Juror Number 6, Mr. Smith?

13:25:28 18 JUROR SMITH: Yes, Your Honor.

13:25:29 19 THE COURT: Juror Number 7, Mr. Rainey.

13:25:32 20 JUROR RAINEY: Yes, Your Honor.

13:25:33 21 THE COURT: And Juror Number 8, Ms. Mims-Jones?

13:25:36 22 JUROR MIMS-JONES: Yes, Your Honor.

13:25:37 23 THE COURT: All right. Do the lawyers have any

13:25:40 24 questions or anything they would like me to say to the jury?

13:25:43 25 MR. GROSS: No, Your Honor.

13:25:44 1 MR. SANDERS: No, Your Honor.

13:25:45 2 THE COURT: All right. The court receives and
13:25:47 3 accepts your verdict.

13:25:48 4 Now, here's the good news: I'm releasing you from
13:25:52 5 all of the instructions I've ever given you. You can ignore
13:25:55 6 everything I've told you up until this point. You can talk
13:25:58 7 about this case with anybody you want to talk about. You can
13:26:00 8 go crazy on your electronic devices and find out what's out
13:26:04 9 there that you were concerned about.

13:26:06 10 You do not need to speak to anybody about this case
13:26:11 11 if you don't want to. It is possible that the lawyers might
13:26:15 12 want to talk to you about it. If you want to talk to them, you
13:26:18 13 may. You can talk to anybody, but you don't have to.

13:26:21 14 I will tell you, I was on their side of the bench for
13:26:25 15 28 1/2 years before I came over here. And I tried cases, and I
13:26:29 16 always found it helpful to speak to the jury and find out what
13:26:33 17 their reaction to the trial and the process was, because it
13:26:38 18 made me a better lawyer in future cases. So I encourage you to
13:26:42 19 speak to the lawyers if you're comfortable in speaking to the
13:26:46 20 lawyers. If you're not comfortable, you don't have to.

13:26:48 21 If anyone approaches you and wants to talk to you and
13:26:52 22 you don't want to talk to them, say no. And if they persist,
13:26:56 23 either let somebody in the clerk's office or my chambers know,
13:26:59 24 and we know how to handle that.

13:27:01 25 But at this time I release you from all of the rules

13:27:06 1 and restrictions with the thanks of the court. You've had a
13:27:10 2 long week, but we really appreciate your service. As I said
13:27:16 3 back on Monday during the voir dire process, this is what makes
13:27:20 4 American democracy and government work. We're the only country
13:27:24 5 in the world that has their neighbors consistently come down
13:27:28 6 and decide important questions like the questions in this case
13:27:31 7 were.

13:27:31 8 So at this time you're released with the thanks of
13:27:35 9 the court. Have a tremendously happy holiday season, and thank
13:27:39 10 you so much for your service.

13:27:40 11 (Jury excused)

13:28:10 12 THE COURT: Well, thank you again, ladies and
13:28:11 13 gentlemen, for a well-tried case. I've enjoyed being with you
13:28:16 14 for this week. You're always welcome back down here. It's
13:28:20 15 gotten a little bit closer to the weather we're used to as the
13:28:24 16 week kind of wore on. But it's been good being here, and thank
13:28:28 17 you for what you did this week.

13:28:31 18 (End of transcript)

19

20

21

22

23

24

25

1 UNITED STATES DISTRICT COURT)

2 WESTERN DISTRICT OF TEXAS)

3 I, Arlinda Rodriguez, Official Court Reporter, United
4 States District Court, Western District of Texas, do certify
5 that the foregoing is a correct transcript from the record of
6 proceedings in the above-entitled matter.

7 I certify that the transcript fees and format comply with
8 those prescribed by the Court and Judicial Conference of the
9 United States.

10 WITNESS MY OFFICIAL HAND this the 29th day of
11 December 2022.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

/S/ Arlinda Rodriguez
Arlinda Rodriguez, Texas CSR 7753
Expiration Date: 10/31/2023
Official Court Reporter
United States District Court
Austin Division
501 West 5th Street, Suite 4152
Austin, Texas 78701
(512) 391-8791